

1
2
3
4
5
6 **UNITED STATES DISTRICT COURT**
 DISTRICT OF NEVADA

FILED	RECEIVED
ENTERED	SERVED ON
COUNSEL/PARTIES OF RECORD	
APR - 2 2019	
CLERK US DISTRICT COURT	
DISTRICT OF NEVADA	
DEPUTY	

8 UNITED STATES OF AMERICA,
9 Plaintiff,
10 v.
11 RANDALL ERVIN VENERABLE,
12 Defendant.

2:18-CR-104-RFB-GWF

Preliminary Order of Forfeiture

13 This Court finds Randall Ervin Venerable pled guilty to Counts 3-5, 7, 8, and 11 of a
14 13-Count Criminal Indictment charging him in Counts 3 and 4 with distribution of a
15 controlled substance (methamphetamine) in violation of 21 U.S.C. § 841(a)(1); in Count 5
16 with possession of a controlled substance with intent to distribute (heroin) in violation of 21
17 U.S.C. § 841(a)(1); in Count 7 with possession of a controlled substance with intent to
18 distribute (methamphetamine) in violation of 21 U.S.C. § 841(a)(1); in Count 8 with
19 possession of a firearm in furtherance of a drug trafficking crime in violation of 18 U.S.C. §
20 924(c)(1)(A)(i); and in Count 11 with possession of a controlled substance with intent to
21 distribute (cocaine) in violation of 21 U.S.C. § 841(a)(1). Criminal Indictment, ECF No. 1;
22 Change of Plea, ECF No. 39; Plea Agreement, ECF No. 40

23 This Court finds Randall Ervin Venerable agreed to the forfeiture of the property set
24 forth in the Plea Agreement and the Forfeiture Allegations of the Criminal Indictment.
25 Criminal Indictment, ECF No. 1; Change of Plea, ECF No. 39; Plea Agreement, ECF No.
26 40

27 This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (2), the United States
28 of America has shown the requisite nexus between property set forth in the Plea Agreement

1 and the Forfeiture Allegations of the Criminal Indictment and the offenses to which Randall
2 Ervin Venerable pled guilty.

3 The following property is (1) any firearm or ammunition involved in or used in any
4 knowing violations of 18 U.S.C. § 924(c)(1)(A)(i), or any violation of any other criminal law
5 of the United States, 21 U.S.C. § 841(a)(1); (2) any firearm or ammunition intended to be
6 used in any offense punishable under the Controlled Substances Act, 21 U.S.C. § 841(a)(1);
7 (3) any firearm used or intended to be used to facilitate the transportation, sale, receipt,
8 possession, or concealment of property and any proceeds traceable to such property in
9 violation of 21 U.S.C. § 841(a)(1); (4) any property constituting, or derived from, any
10 proceeds obtained, directly or indirectly, as the result of violations of 21 U.S.C. § 841(a)(1);
11 (5) any property used, or intended to be used, in any manner or part, to commit, or to
12 facilitate the commission of 21 U.S.C. § 841(a)(1); (6) all moneys, negotiable instruments,
13 securities, or other things of value furnished or intended to be furnished in exchange for a
14 controlled substance or listed chemical in violation of 21 U.S.C. § 841(a)(1), all proceeds
15 traceable to such an exchange, and all moneys, negotiable instruments, and securities used
16 or intended to be used to facilitate any violation of 21 U.S.C. § 841(a)(1); and (7) any
17 property, real or personal, which constitutes or is derived from proceeds traceable to
18 violations of 21 U.S.C. § 841(a)(1), a specified unlawful activity as defined in 18 U.S.C. §§
19 1956(c)(7)(A) and 1961(1)(D), or a conspiracy to commit such offense, and is subject to
20 forfeiture pursuant to 18 U.S.C. § 924(d)(1) with 28 U.S.C. § 2461(c); 18 U.S.C. § 924(d)(1),
21 (2)(C), and (3)(B) with 28 U.S.C. § 2461(c); 21 U.S.C. § 881(a)(11) with 28 U.S.C. § 2461(c);
22 21 U.S.C. § 853(a)(1) and 853(a)(2); 21 U.S.C. § 881(a)(6) with 28 U.S.C. § 2461(c); 18
23 U.S.C. § 981(a)(1)(C) with 28 U.S.C. § 2461(c); and 21 U.S.C. § 853(p):

- 24 1. Black and Silver Sig Sauer P238, s/n 27B121279, .380 Caliber;
- 25 2. Black Smith and Wesson Shield, s/n HKN5739, .40 Caliber;
- 26 3. \$6,694.00 U.S. Currency (from Venerable's residence);
- 27 4. \$2,917.25 U.S. currency (from Venerable's car); and
- 28 5. any and all ammunition

1 (all of which constitutes property).

2 This Court finds that the United States of America may amend this order at any time
3 to add subsequently located property or substitute property to the forfeiture order pursuant
4 to Fed. R. Crim. P. 32.2(b)(2)(C) and 32.2(e).

5 This Court finds the United States of America is now entitled to, and should, reduce
6 the aforementioned property to the possession of the United States of America.

7 NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND
8 DECREED that the United States of America should seize the aforementioned property.

9 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all possessory
10 rights, ownership rights, and all rights, titles, and interests of Randall Ervin Venerable in the
11 aforementioned property are forfeited and are vested in the United States of America and
12 shall be safely held by the United States of America until further order of the Court.

13 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States
14 of America shall publish for at least thirty (30) consecutive days on the official internet
15 government forfeiture website, www.forfeiture.gov, notice of this Order, which shall
16 describe the forfeited property, state the time under the applicable statute when a petition
17 contesting the forfeiture must be filed, and state the name and contact information for the
18 government attorney to be served with the petition, pursuant to Fed. R. Crim. P. 32.2(b)(6)
19 and 21 U.S.C. § 853(n)(2).

20 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any individual
21 or entity who claims an interest in the aforementioned property must file a petition for a
22 hearing to adjudicate the validity of the petitioner's alleged interest in the property, which
23 petition shall be signed by the petitioner under penalty of perjury pursuant to 21 U.S.C. §
24 853(n)(3) and 28 U.S.C. § 1746, and shall set forth the nature and extent of the petitioner's
25 right, title, or interest in the forfeited property and any additional facts supporting the
26 petitioner's petition and the relief sought.

27 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any,
28 must be filed with the Clerk of the Court, 333 Las Vegas Boulevard South, Las Vegas,

1 Nevada 89101, no later than thirty (30) days after the notice is sent or, if direct notice was
2 not sent, no later than sixty (60) days after the first day of the publication on the official
3 internet government forfeiture site, www.forfeiture.gov.

4 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the
5 petition, if any, shall be served upon the Asset Forfeiture Attorney of the United States
6 Attorney's Office at the following address at the time of filing:

7 Daniel D. Hollingsworth
8 Assistant United States Attorney
501 Las Vegas Boulevard South, Suite 1100
9 Las Vegas, Nevada 89101.

10 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice
11 described herein need not be published in the event a Declaration of Forfeiture is issued by
12 the appropriate agency following publication of notice of seizure and intent to
13 administratively forfeit the above-described property.

14 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk send
15 copies of this Order to all counsel of record.

16 DATED April 12, 2019.

19 HONORABLE RICHARD F. BOULWARE, II
20 UNITED STATES DISTRICT JUDGE
21
22
23
24
25
26
27
28